

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BIOVAIL LABORATORIES)	
INTERNATIONAL SRL,)	
a corporation of Barbados,)	
)	
Plaintiff,)	C. A. No. 05-586 (KAJ)
)	(consolidated)
v.)	
)	
ANDRX PHARMACEUTICALS, LLC and)	
ANDRX CORPORATION,)	
)	
Defendants.)	

NOTICE OF DEPOSITION OF SCOTT SMITH

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, the attorneys for Defendants Andrx Pharmaceuticals, LLC and Andrx Corporation (“Andrx”) will take a deposition upon oral examination of Scott Smith. The deposition will commence at 9:30 a.m. on April 20, 2006, at the offices of Foley & Lardner LLP, 90 Park Avenue, New York, New York 10016. The examination will be conducted before a person duly authorized and will be recorded by stenographic and videographic means.

You are invited to attend and cross-examine.

Respectfully submitted,

OF COUNSEL:

POTTER ANDERSON & CORROON LLP

Steven Maddox
FOLEY & LARDNER, LLP
3000 K Street, N.W., Suite 500
Washington, DC 20007
Tel: (202) 672-5300

Douglas Carsten
FOLEY & LARDNER, LLP
11250 El Camino Real, Suite 200
San Diego, California 92130
Tel: (858) 847-6700

Martin P. Endres
HEDMAN & COSTIGAN, P.C.
1185 Avenue of the Americas
New York, New York 10036
Tel: (212) 682-7474

March 31, 2006
726148/30015

By: /s/ Richard L. Horwitz
Richard L. Horwitz (#2246)
Kenneth L. Dorsney (#3726)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19899
Tel: (302) 984-6000
rhorwitz@potteranderson.com
kdorsney@potteranderson.com

*Attorneys for Defendants
Andrx Pharmaceuticals, LLC and
Andrx Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on March 31, 2006, the attached document was hand-delivered on the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF.

Jack B. Blumenfeld
Melissa Stone Myers
Morris, Nichols, Arsht & Tunnell
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899

I hereby certify that on March 31, 2006, I have Electronically Mailed the documents to the following non-registered participants:

Joseph M. O'Malley, Jr.
Dominick A. Conde
Fitzpatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, NY 10112
jo'malley@fchs.com
dconde@fchs.com

/s/ Richard L. Horwitz
Richard L. Horwitz
Kenneth L. Dorsney
Potter Anderson & Corroon LLP
Hercules Plaza – Sixth Floor
1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
kdorsney@potteranderson.com